

## **REMARKS**

The Decision on Appeal dated October 21, 2009 has been received and carefully noted. The above amendments to the claims, the enclosed RCE, and the following remarks, are submitted as a full and complete response thereto.

Claims 29, 41, 42, 53, and 57 have been amended to more particularly point out and distinctly claim the subject matter of the invention. New claims 68-72 have been added. No new matter has been added. Support for the claim amendments may be found at least in Figures 2 and 5 of the application. Claims 29-72 are currently pending in the application and are respectfully submitted for consideration.

The Office Action dated March 3, 2007 rejected claims 29-67 under 35 U.S.C. §103(a) as being unpatentable over Hanson (U.S. Patent No. 6,023,624) in view of Kallin (U.S. Patent No. 6,058,308). The Office Action took the position that Hanson discloses all of the elements of the claims, with the exception of providing, as the current location, the last known location if the time is within the threshold limit. The Office Action then cited Kallin as allegedly curing this deficiency in Hanson. The decision on appeal affirmed these rejections. Applicants submit that the combination of Hanson and Kallin fails to disclose or suggest all of the elements of the present claims for the reasons discussed below.

Claim 29, upon which claims 30-40 are dependent, recites a method comprising receiving a request for a current location of a mobile station in a mobile communication system, the request being received from an application configured to provide location

dependent services. The method further includes determining an elapsed time since a last known location of the mobile station was determined, and comparing the elapsed time to a threshold time limit. In response to the comparing, if the elapsed time is within the threshold time limit, providing to the application, as the current location, the last known location, without contacting the mobile station. If the elapsed time is not within the threshold time limit, determining a current location of the mobile station and providing to the application, as the current location, the obtained current location.

Claim 41 recites a method comprising receiving at a network element a request from an application for a current location of a mobile station, the request being received from an application configured to provide location dependent services. The method further includes determining, at the network element, an elapsed time since a last known location of the mobile station was determined, and comparing, at the network element, the elapsed time to a threshold time limit. In response to the comparing, if the elapsed time is within the threshold time limit, providing to the application, as the current location, the last known location, without contacting the mobile station. If the elapsed time is not within the threshold time limit, determining a current location of the mobile station and providing to the application, as the current location, the obtained current location.

Claim 42, upon which claims 43-52 and 68 are dependent, recites a network element comprising means for receiving a request for a current location of a mobile station in a mobile communication system, the request being received from an application

configured to provide location dependent services. The network element also includes means for determining an elapsed time since a last known location of the mobile station was determined, and means for comparing the elapsed time to a threshold time limit. The network element further includes means for providing to the application, as the current location, the last known location, if the elapsed time is within the threshold time limit without contacting the said mobile station, and means for determining a current location of the mobile station and means for providing to the application, as the current location, the obtained current location, if the elapsed time is not within the threshold time limit.

Claim 53, upon which claims 54-56 and 69-72 are dependent, recites a mobile communication system comprising an application configured to provide location dependent services and to generate a location request for a user equipment. The system further includes a network element configured to receive the request for a current location of a mobile station, and a network element configured to determine an elapsed time since a last known location of the mobile station was determined and to compare the elapsed time to a threshold time limit. The system also includes a network element configured to provide, as the current location, in response to said step of comparing, the last known location, without contacting the said mobile station, if the elapsed time is within the threshold time limit, and a network element configured to determine a current location of the mobile station and to provide to the application, as the current location, in response to said comparing, the obtained current location, if the elapsed time is not within the threshold time limit.

Claim 57, upon which claims 58-67 are dependent, recites a network element comprising a receiving unit configured to receive a request for a current location of a mobile station in a mobile communication system, the request being received from an application configured to provide location dependent services. The network element also includes a determining unit configured to determine an elapsed time since a last known location of the mobile station was determined, and a comparing unit configured to compare the elapsed time to a threshold time limit. The network element further includes a providing unit configured to provide to the application, as the current location, in response to the comparing, the last known location if the elapsed time is within the threshold time limit, without contacting the said mobile station, and a determining unit configured to determine a current location of the mobile station and a providing unit configured to provide to the application, as the current location, in response to the comparing, the obtained current location, if the elapsed time is not within the threshold time limit.

As will be discussed below, the cited prior art fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the features discussed above.

Hanson discloses a system for paging mobile telephone units (MTU) in a cellular mobile system that conserves paging resources. If the identity of the most recent cell in which the MTU was located matches the identity of the cell wherein the MTU was located on the previous registration, then an initial page covering only the cell of the most recent call location for the target MTU, and the neighboring cells for that cell, is used.

Kallin discloses a method for adaptively selecting a paging area throughout which a mobile terminal is paged. A record is maintained which indicates the position where the mobile terminal was located when last accessing the network. When a page is to broadcast to the mobile terminal, the record is accessed and the page is broadcast to selected parts of the network based on the record.

Applicants respectfully submit that Hanson and Kallin, whether considered alone or in combination, fail to disclose or suggest all of the elements of the claimed invention. For example, the combination of Hanson and Kallin does not disclose or suggest, at least, “the request being received from an application configured to provide location dependent services,” as recited in claim 29 and the similar limitations recited in claims 41, 42, 53, and 57.

Thus, according to certain embodiments of the invention, the request for a current location of the mobile station is received from an application. In contrast, according to Hanson, the purpose of determining the current location is actually part of the paging procedure. This is clear from column 1, lines 56-64 of Hanson, which provides that “the decision of the type of initial page to be performed is based upon the identity of the cell in which the target MTU was most recently located on the identity of the cell where the target MTU was previously found and the elapsed time since the most recent registration or location” (Hanson, Column 1, lines 56-64).

Furthermore, column 3, lines 64 to column 4, line 45, describes the Hanson methodology in detail. It is clear from this as well as the flow diagram of figure 5 that

the mobile phone **is always** paged. In particular, functional blocks 507, 513, 517 and 521 of illustrate the fact that the mobile phone is always paged in some manner (Hanson, Fig. 5). In all the options provided by Hanson, paging the mobile phones is an essential feature and this is impossible for the procedure of Hanson, once started, to end without one of these paging processes. Thus, it is clear from this that any effective determination of mobile phone location is part of the normal paging procedure in Hanson. This is not the case according to the claimed invention, on the other hand, because the request is received from an application.

Kallin also fails to cure these deficiencies in Hanson. Kallin, as discussed above, merely discloses that information indicative of the position at which the mobile terminal was located when it last accessed a base station of the network infrastructure of the communication system is maintained in a record (Kallin, Column 4, lines 13-16). Kallin, like Hanson, fails to disclose or suggest that the request for a current location of the mobile station is received from an application.

Therefore, the combination of Hanson and Kallin fails to disclose or suggest, at least, “the request being received from an application configured to provide location dependent services,” as recited in claim 29, and the similar limitations recited in claims 41, 42, 53, and 57.

In addition, the combination of Hanson and Kallin fails to disclose or suggest, at least, “if the elapsed time is within the threshold time limit, providing to the application, as the current location, the last known location, without contacting the mobile station,” as

recited in claim 29, and the similar limitations recited in claims 41, 42, 53, and 57. Therefore, according to examples of the claimed invention, if the elapsed time is within the threshold limit, the last known location is provided, **without** contacting the mobile station. Neither Hanson nor Kallin disclose not contacting the mobile station after a comparison step. As mentioned above, Hanson discloses that the procedure always ends with some type of page to the mobile station (Hanson, Fig. 5). Kallin similarly fails to disclose or suggest “providing to the application, as the current location, the last known location, without contacting the mobile station.”

Hence, the combination of Hanson and Kallin fails to disclose or suggest, at least, “if the elapsed time is within the threshold time limit, providing to the application, as the current location, the last known location, without contacting the mobile station,” as recited in claim 29, and the similar limitations recited in claims 41, 42, 53, and 57.

Further, Applicants note that the whole purpose of the current application is different from that of Hanson and Kallin. The current application addresses a completely different problem, namely that of providing to an application location information. Furthermore, because in Hanson, any location determination is done as an intricate part of the paging procedure, there is no way a skilled person would consider not contacting the mobile phone. Accordingly, Applicants submit that Hanson and Kallin fail to render the present independent claims as obvious.

Claims 30-40, 43-52, 54-56, 58-67, and 68-72 are dependent upon claims 29, 42, 53, and 57, respectively. Accordingly, claims 30-40, 43-52, 54-56, 58-67, and 68-72

should be allowed for at least their dependence upon claims 29, 42, 53, and 57 and for the specific limitations recited therein.

Applicants respectfully submit that the cited prior art fails to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 29-72 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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